

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

RUSTY R. DAVIES,

Plaintiff,

v.

DISTRICT ATTORNEY OFFICE, et al.,

Defendants.

Civil Action No. 07-329 Erie

**MEMORANDUM ORDER**

This action was received by the Clerk of Court on November 28, 2007.

The Magistrate Judge's Report and Recommendation [Doc. No. 5], filed on January 17, 2008, recommended that the action be dismissed for failure to prosecute. Plaintiff was allowed ten (10) days from the date of service to file objections and service was made on Plaintiff by certified mail. No objections were filed. After de novo review of the documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 8<sup>th</sup> day of February, 2008;

IT IS HEREBY ORDERED that this action is DISMISSED for failure to prosecute.

The Report and Recommendation [Doc. No. 5] of Magistrate Judge Baxter, filed on January 17, 2008, is adopted as the opinion of the Court. The clerk is directed to mark the case closed.

s/ Sean J. McLaughlin  
United States District Judge

cm: All parties of record  
Susan Paradise Baxter, U.S. Magistrate Judge